

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

HARBOR BUSINESS COMPLIANCE CORP.,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:23-cv-0802
	:	
FIRSTBASE.IO, INC.,	:	
Defendant.	:	

ORDER

AND NOW, this 3rd day of April, 2024, upon consideration of the parties’ Motions in Limine and of the arguments raised at the final pretrial conference on March 27, 2024, which were subsequently briefed, and for the reasons set forth in the Opinion issued this date, **IT IS**

ORDERED THAT:

1. Plaintiff’s Motion in Limine to Exclude the Opinions and Proposed Testimony of Steve Waldbusser on the topic of “use,” ECF Nos. 100, 147, is **DENIED**.
2. Plaintiff’s Motion in Limine to Exclude Certain API Related Opinions and Testimony of Steve Waldbusser, ECF Nos. 99, 146, is **GRANTED in part and DENIED in part as follows**:
 - A. Plaintiff’s request to preclude Mr. Waldbusser from testifying that Plaintiff “misled” Defendant is granted.
 - B. Plaintiff’s motion is denied in all other respects.
3. Plaintiff’s Motion in Limine to Exclude the Testimony of Chad Hudson, ECF Nos. 101, 149, is **GRANTED in part and DENIED in part as follows**:
 - A. Plaintiff’s request to preclude Mr. Hudson from testifying as to whether Mr. Urbanchuk attained reasonable certainty, as to Mr. Urbanchuk’s opinion on Defendant’s

historic profits (disgorgement and apportionment analysis), and as to Defendant's counterclaim damages is granted. Hudson may not offer testimony respecting these issues.

B. Plaintiff's request to preclude Mr. Hudson from offering rebuttal testimony as to Mr. Urbanchuk's opinion on Plaintiff's breach of contract damages is denied.

C. **No later than Friday, April 5, 2024**, Defendant shall produce Mr. Hudson's "work papers" subject to an agreement that such production does not waive any applicable privilege. If Plaintiff wants to use any of these work papers at trial, it must first move the Court for a ruling on privilege.

4. Defendant's Motion in Limine to Exclude the Expert Report and Testimony of Greg Urbanchuk, ECF Nos. 103, 150, is **DENIED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge